## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION CIVIL CASE NO. 1:09cv355

JAMES L. GANN,	)
Plaintiff,	)
vs.	)
MICHAEL J. ASTRUE, COMMISSIONER OF SOCIAL SECURITY,	))))
Defendant.	)
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## <u>JUDGMENT</u>

IT IS, THEREFORE, ORDERED that the Magistrate Judge's Memorandum & Recommendation is ACCEPTED; Plaintiff's Motion for Summary

Judgment is **DENIED**; the Defendant's Motion for Summary Judgment is

**GRANTED**; and the Commissioner's decision is hereby **AFFIRMED**.

This case is hereby **DISMISSED WITH PREJUDICE**.

For the reasons set forth in the Order filed herewith,

Signed: September 25, 2010

Martin Reidinger

United States District Judge